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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,082

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EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/680,082	Applicant(s) ASANO ET AL.	
	Examiner Thomas A. Hollweg	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicant's response to the Election/Restriction requirement is acknowledged. Group I, claims 1-8, drawn to a color conversion member, is elected without traverse. Claims 9-13 are withdrawn from consideration.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on June 30, 2004, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the EL display of claim 6, the luminescent part comprising a transparent electrode layer, an EL layer, and a backside electrode layer of claim 7, and the overcoat of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 requires that "in addition to the color filter layer provided on the transparent substrate side of said any one of the color conversion layers... a color filter layer is provided on the transparent substrate side of at least one type of the other color conversion layers." If a color filter is on the transparent substrate side of any one of the color conversion layers, it is also on the transparent substrate side of at least one type of the color conversion layers. Therefore, as written, these two phrases are redundant. It is presumed that the applicant intended to further limit the invention by these limitations of claim 2, and redundancy was not intended. Therefore, it is unclear what is intended by these phrases in claim 2. For examination the redundancy will be ignored

and the claim will be interpreted such that there is a color filter layer provided on the transparent substrate side of the any one of the color conversion layers.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Eida et al., U.S. Patent No. 5,909,081.

10. With regard to claim 1, in figure 5, Eida disclose a color conversion member comprising a transparent substrate (8), two or more types of color conversion layers (3), and a color filter layer (9a), said color conversion layers (3) functioning to convert incident lights for respective pixels to outgoing lights of colors different from the incident lights, said two or more types of color conversion layers (3) being arranged on said transparent substrate (8), said color filter layer (9a) being provided on the transparent substrate (8) side of any one of the color conversion layers (3) or between said any one of the color conversion layers (3) and the color conversion layers (3) adjacent to said any one the color conversion layers (3) (col. 6, lines 15-58).

11. With regard to claim 2, in figure 5, Eida discloses that in addition to the color filter layer (9a) provided on the transparent substrate (8) side of said any one of the color conversion layers (3) or between said any one of the color conversion layers (3) and the color conversion layers (3) adjacent to said any one the color conversion layers (3), a

color filter layer (9a) is provided on the transparent substrate (8) side of at least one type of the other color conversion layers (3) (col. 6, lines 15-58).

12. With regard to claim 3, in figure 5, Eida discloses that a black matrix (9b) having openings is further provided on the transparent substrate (8) and said color conversion layers (3) are provided in the openings (col. 6, lines 15-58).

13. With regard to claim 4, in figure 5, Eida discloses that said two or more types of the color conversion layers (3) comprise a first color conversion layer (3) for converting incident light of blue color and/or green color to outgoing light of red color, a second color conversion layer (3) for converting said incident light to outgoing light of green color, and a light transparent layer (7) for transmitting said incident light as such, and a color filter layer (9a) for a red color is provided on the transparent substrate side of the first color conversion layer (3) or between the first color conversion layer (3) and other color conversion layers (3) adjacent to the first color conversion layer (3) (col. 6, lines 15-58 & col. 7, line 30 – col. 14, line 22).

14. With regard to claim 5, in figure 5, Eida discloses that a color filter layer (9a) for a green color is further provided on the light transparent layer (8) side of the second color conversion layer (3) (col. 6, lines 15-58 & col. 7, line 30 – col. 14, line 22).

15. With regard to claim 6, in figure 5, Eida discloses that the color conversion member is used in an EL display (1a-c) (col. 6, lines 15-58).

16. With regard to claim 7, in figure 5, Eida discloses an EL display comprising the color conversion member (3) and a luminescent part (1a-c) comprising a transparent electrode layer (1a), an EL layer (1b), and a backside electrode layer (1c), said

luminescent part (1a-c) being provided on the color conversion layers (3) so as to correspond to each of the color conversion layers (3) (col. 6, lines 15-58).

17. With regard to claim 8, in figure 5, Eida discloses that said luminescent part (1a-c) is provided through an overcoat (not labeled in figure 5, see 7 in figure 6) on said color conversion layers (3) in said color conversion member (col. 6, lines 15-58 & col. 22, lines 3-40).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/Nimeshkumar Patel/

Supervisory Patent Examiner, Art Unit 2879